

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR156
)	
v.)	
)	
PHILIP F. SMITH,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for sentence reduction (Filing No. 48), and the stipulation of the parties (Filing No. 49). Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 25 to 23. His criminal history category remains at II. The government and defense agree that his sentence should be reduced to sixty (60) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED that said motion is granted and the stipulation of the parties is approved and adopted; the sentence of the defendant is reduced to sixty (60) months. The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.

DATED this 24th day of March, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court